

Amendment for Serial No. 09/344,190
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that each element of a claim is to be considered when a rejection is made. However, the Office Action refers only to the following portion of claim 1: "calculating a dynamic range based on a clinical region". As to the element of claim 1 "within each of said at least two bands", the Office Action is silent.

Furthermore, the Office Action does not provide a citation to Ergun, or any other reference, that would teach or suggest "calculating a dynamic range based on a clinical region within each of ~~said~~ said at least two bands" to support the rejection of claim 1, nor does Ergun teach or suggest elsewhere all of the elements of claim 1, as further discussed in Applicant's Amendment of August 13, 2002. Therefore, Applicant respectfully submits that the Office Action does not provide support for the rejection of claim 1, and thus requests that the rejection be withdrawn.

It is respectfully submitted that the pending claims define allowable subject matter. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Please charge any additional fees or credit overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,
McANDREWS, HELD & MALLOY, LTD.

Date: November 22, 2002

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